

long-continued sessions of the Senate would in a great measure have been prevented. From this fatal defect of a constitutional Council has arisen the improper power of the Senate, in the appointment of public officers, and the alarming dependence and connection between that branch of the legislature and the Supreme Executive. Hence also sprung that unnecessary and dangerous officer, the Vice-President, who for want of other employment, is made President of the Senate; thereby dangerously blending the Executive and Legislative power; besides always giving to some one of the States an unnecessary and unjust pre-eminence over the others."

ANSWER.

Mr. Mason here reprobates the omission of a particular Council for the President, as a thing contrary to the example of all safe and regular governments. Perhaps there are very few governments now in being deserving of that character, if under the idea of safety he means to include safety for a proper share of personal freedom, without which their safety and regularity in other respects would be of little consequence to a people so justly jealous of liberty as I hope the people in America ever will be. Since however Mr. Mason refers us to such authority, I think I cannot do better than to select for the subject of our inquiry in this particular, a government which must be universally acknowledged to be the most safe and regular of any considerable government now in being (though I hope America will soon be able to dispute that pre-eminence). Every body must know I speak of Great Britain, and in this I think I give Mr. Mason all possible advantage, since in my opinion it is most probable he had Great Britain principally in his eye when he made this remark, and in the very height of our quarrel with that country, so wedded were our ideas to the institution of a Council, that the practice was generally if not universally followed at the formation of our governments, though we instituted Councils of a quite different nature, and so far as the little experience of the writer goes, have very little benefited by it. My inquiry into this subject shall not be confined to the actual present practice of Great Britain; I shall take the liberty to state the constitutional ideas of Councils in England, as derived from their ancient law subsisting long before the Union, not omitting however to show what the present practice really is. By the laws of England*⁸ the King is said to have four Councils,—1. The High Court of Parliament; 2. The Peers of the realm; 3. His Judges; 4. His Privy Council. By the first, I presume is meant, in regard to the making of laws; because the usual introductory expressions in most acts of Parliament, viz., "By the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons," &c., show that in a constitutional sense, they are deemed the King's laws, after a ratification in